

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AARON LEE TURPENING,

Case No. 2:20-cv-01769-RFB-BNW

Petitioner,

ORDER

v.

N.D.O.C., et al.,

Respondents.

This habeas matter is before the Court on Petitioner Aaron Lee Turpening's failure to comply with the Court's May 4, 2022, Order instructing him to file an amended petition within 30 days. (ECF No. 3.) Petitioner was warned that "[f]ailure to comply with this order will result in the dismissal of this action." (Id.) The 30-day deadline expired on June 3, 2022.

On May 23, 2022, the U.S. Postal Service returned court mail from the last institutional address provided by Turpening with a notation indicating that he is no longer at that institution. (ECF No. 5.) The Local Rules of Practice require all parties, including habeas petitioners, to immediately file with the Court written notice of any change of address. LR IA 3-1, LR 2-2. The Local Rules also warn that failure to comply may result in dismissal of the action, with or without prejudice, or other sanctions as the court deems appropriate. Id.; see also Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) ("A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.")

To date, Petitioner has not filed an amended petition, filed a notice of change of address, requested an extension of time, or taken any other action to prosecute this case.

IT IS THEREFORE ORDERED that this action is **dismissed without prejudice** for failure to comply with this Court's order (ECF No. 3) and the Local Rules of Practice.

1 **IT IS FURTHER ORDERED** that Petitioner is denied a certificate of appealability, as
2 jurists of reason would not find dismissal of the petition for the reasons stated herein to be
3 debatable or wrong.

4 **IT IS FURTHER ORDERED** that the Clerk of Court is instructed to add Nevada
5 Attorney General Aaron D. Ford as counsel for Respondents. No response is required from
6 Respondents other than to respond to any orders of a reviewing court.

7 **IT IS FURTHER ORDERED** that the Clerk of Court informally serve the Nevada
8 Attorney General with the petition (ECF No. 4) and this order by sending a notice of electronic
9 filing to the Nevada Attorney General's office.

10 **IT IS FURTHER ORDERED** that the Clerk of Court is instructed to enter judgment
11 accordingly, dismissing this action without prejudice, and close this case. Petitioner has leave from
12 the Court to file a motion for reconsideration to reopen this case based upon the assertion of
13 legitimate or equitable reasons for failing to comply with the Court's order.

14 Dated: June 14, 2022.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT COURT